

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

F.C.C., on his own behalf and on	)	
behalf of his minor child, A.C.L.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 2:22-cv-05057
	)	
United States of America	)	
	)	
Defendant.	)	

**PLAINTIFFS' STATUS REPORT**

Pursuant to the Court's November 9, 2022 Order, Plaintiffs, through undersigned counsel, respectfully submit this status report.

Plaintiffs are an asylum-seeking father and daughter who fled violence in Honduras only to be separated from each other shortly after they arrived in the United States. This litigation alleges that the separation was conducted intentionally to cause Plaintiffs severe pain and emotional distress, which, Defendant United States of America hoped, would deter others from seeking asylum in the United States. Complaint ¶¶ 20-41.

The complaint in this action was filed on August 25, 2022. On September 28, 2022, Plaintiff filed a motion to proceed using pseudonyms (his initials) to protect his and his daughter's identities from public disclosure.

On October 6, 2022, this Court directed Plaintiff to serve the motion to proceed using pseudonyms upon Defendant, and to meet and confer with defense counsel and file a joint letter with a proposed briefing schedule for court approval.

The complaint, summons and motion to proceed using pseudonyms was served on Defendant United States of America on October 5, 2022. *See* Dkt. #6. Pursuant to Federal Rule

of Civil Procedure 12(a)(2), Defendant United States of America has until December 4, 2022 to respond to the complaint. To date, counsel for Defendant has not yet appeared in this action or contacted Plaintiff's counsel. Since counsel for Defendant has not yet appeared in this matter or contacted counsel for Plaintiff, the meet and confer with defense counsel ordered by the Court on October 6 has not yet occurred. Plaintiff's counsel expects, however, that such conference with counsel for Defendant will occur on or before December 4, 2022, the date on which Defendant is due to respond to the complaint, as counsel for Defendant will necessarily appear in this matter by that date.

Plaintiff's counsel intends to meet and confer with counsel for Defendant in accordance with the Court's October 4 order as soon as counsel for Defendant appears in this action or contacts Plaintiff's counsel, and will promptly submit a proposed briefing schedule regarding Plaintiff's motion to proceed using pseudonyms following this conference with counsel for Defendant.

Dated: November 10, 2022

Respectfully submitted,

/s/ Matthew K. Handley

Matthew K. Handley  
Rachel Nadas, *pro hac vice*  
forthcoming  
HANDLEY FARAH &  
ANDERSON PLLC  
200 Massachusetts Avenue NW,  
7<sup>th</sup> Floor  
Washington, DC 20016  
(202) 559-2411  
[mhandley@hfajustice.com](mailto:mhandley@hfajustice.com)  
[rnadas@hfajustice.com](mailto:rnadas@hfajustice.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that, in addition to filing the foregoing document on the Court's CM/ECF System, the undersigned has caused a copy of this filing to be mailed to Defendant at the below address.

United States of America  
Attorney General  
950 Pennsylvania Avenue  
Washington, DC 20530

Dated: November 10, 2022

/s/ Matthew K. Handley \_\_\_\_\_  
Matthew K. Handley